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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, THE
STATE OF NEW YORK *ex rel.*
ASSOCIATES AGAINST OUTLIER
FRAUD,

Plaintiffs,

- against -

HURON CONSULTING GROUP, INC.,
SPELTZ AND WEISS, KPMG,
HEALTHCARE MANAGEMENT
SOLUTIONS, LLC and EMPIRE
HEALTHCHOICE ASSURANCE ,

Defendants.

ECF

09 Civ. 1800 (JSR)

**THE GOVERNMENT'S NOTICE OF DECISION TO DECLINE INTERVENTION
WITH RESPECT TO RELATOR'S COMPLAINT**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene with respect to the complaint filed by the relator Associates Against Outlier Fraud (the "Relator") in this action.

Although the United States declines to intervene with respect to the Relator's complaint, the United States respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the Relator to maintain the action in the name of the United States; providing, however, that the

complaint “may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Therefore, the United States requests that, should either the Relator or defendants propose that the complaint or any of its allegations be dismissed, settled, or otherwise discontinued, or the defendants be dismissed from the case, the parties must solicit the written consent of the United States before applying for court approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States. The United States also requests that orders issued by the Court be sent to the Government’s counsel by the Relator. The United States reserves its right to order the transcript of any depositions taken with respect to the allegations in the Relator’s complaint. The United States also reserves its right to intervene with respect to the allegations in the Relator’s complaint, for good cause, at a later date.

Finally, the United States respectfully requests that the Court enter the accompanying proposed order.

Dated: New York, New York
January 6, 2010

Respectfully submitted,

PREET BHARARA
United States Attorney for the
Southern District of New York
Attorney for the United States of America

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